



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF DECEMBER 13, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-188 Apartment Assn. of Los Angeles County, Inc. v. City of Los Angeles, S082645. (B130243; 74 Cal.App.4th 681.) Petition for review after the Court of Appeal reversed the judgment in an action for declaratory relief. This case concerns whether a city's annual, per unit "service fee" to fund inspection of rental units and eradication of substandard housing is a charge or fee "imposed . . . as an incident of property ownership" within the scope of California Constitution, article XIII D.

#99-189 People v. Cheek, S083305. (H019064; 75 Cal.App.4th 282.) Petition for review after the Court of Appeal dismissed as moot an appeal from an order directing that a sexually violent predator remain committed for the balance of his term. This case concerns whether a sexually violent predator is automatically entitled to a show cause hearing after a year if he has not

(over)

affirmatively waived his right to petition for conditional release or whether he must file a facially non-frivolous petition for conditional release in order to obtain such a hearing. (See Welf. & Insts., Code, §§ 6605(b), 6608.)

#99-190 Hartwell Corp. v. Superior Court, S082782. (A085477, A085482, A085486, A085488, A085495, A085496, A085501, A085502, A085761; 74 Cal.App.4th 837, mod. 75 Cal.App.4th 706a.) Petitions for review after the Court of Appeal disposed of eight writ petitions and an appeal. These consolidated cases concern whether the exclusive jurisdiction of the Public Utilities Commission preempts water contamination suits against regulated utilities but permits such lawsuits against non regulated water providers and industrial defendants even though all actions concern the same water.

#99-191 Kalustian v. Foundation Health, S083232. (B123376.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case presents issues, concerning the enforceability of an arbitration agreement that is claimed to be unconscionable, which are related to issues before the court in Armendariz v. Foundation Health Psychcare Services, Inc., S075942. (See #99-32.)

#99-192 Lockyer v. Superior Court, S083149. (A088042.) No opinion. Petition for review after the Court of Appeal dismissed an appeal and denied a petition for peremptory writ of mandate. This case presents an issue, concerning whether the Legislature may limit appellate review of a superior court judgment upholding the administrative revocation of a medical license to review in the Court of Appeal by extraordinary writ rather than by appeal, which is related to an issue before the court in Leone v. Medical Board, S065485. (#97-201.)

#99-193 People v. Mackey, S082726. (F028505; 74 Cal.App.4th 921.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning the use of a computer

generated, Department of Justice CLETS form to prove a prior conviction, which is related to an issue before the court in People v. Martinez, S062266. (See #97-134.)

#99-194 People v. Rivera, S076559. (A076593B.) Unpublished opinion. Petition for review after the Court of Appeal remanded for resentencing but affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning the effect of a jury's failure to articulate a finding of degree as to a crime tried solely on theories making it first degree as a matter of law, which is related to an issue before the court in People v. Mendoza, S067104. (See #98-38.)

#99-195 People v. Thammavong, S083301. (D031386.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order committing defendant as a sexually violent predator. This case presents an issue, concerning whether it is a requirement of commitment under the Sexually Violent Predator Act that there is a likelihood the defendant will commit predatory acts, which is related to an issue before the court in People v. Torres, S079575. (See #99-124.)

DISPOSITIONS

#99-81 Gonzales v. Hughes Aircraft Employees Fed. Credit Union, S077824, was dismissed as moot on stipulation of the parties.

The following cases were dismissed and remanded to the Court of Appeal:

#98-108 People v. Ritson, S071200.

#98-129 Maxwell v. Beverly Enterprises-California, Inc., S071672.

#98-159 People v. Baker, S073543.

#99-156 People v. Pierce, S081047.

The following cases were transferred to the court of appeal for reconsideration in light of People v. Falsetta, 21 Cal.4th 903:

#98-132 People v. Hoover, S072374.

#98-166 People v. Watts, S073741.

#99-127 People v. Acosta, S079731.

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